

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK A. SWIFT,

Defendant.

8:14CR107

SECOND AMENDED ORDER

The Order for Competency Evaluation, [Filing No. 75](#), is amended as set forth in this order.

This matter was before the court for a final hearing regarding the Revocation of Supervised Release Petition ([Filing No. 58](#)). Defendant admitted allegations 4 & 5 of the Petition for Offender. Defendant has violated his term of Supervised Release. Defendant is remanded to the custody of the U.S. Marshals. Defendant Swift shall undergo a forensic evaluation pursuant to [18 U.S.C. § 4241](#). For the reasons documented on the record at the hearing, the Court concludes reasonable cause exists to believe Defendant may presently be suffering from a mental disease or defect based on the parties' comments made at the hearing and the review of the docket. The Court finds that the request for a mental competency examination will be granted.

IT IS ORDERED:

1. Defendant Swift has agreed to voluntarily submit to a Forensic Examination.
2. Pursuant to [18 U.S.C. § 4241](#), Defendant will voluntarily surrender for transport by U.S. Marshal Service to the facility he is designated to by the Bureau of Prisons (BOP) no later than 30 days from the date of this order.

3. Once the BOP has designated Defendant to a suitable facility, the Marshals shall then immediately directly transport Defendant to the facility designated by the BOP.

4. Swift shall then submit to the custody of the Attorney General for placement in a suitable facility to be examined for a reasonable period of time, not to exceed sixty (60) days, for a psychological evaluation.

5. Pursuant to [18 U.S.C. § 4244\(b\)](#) and [18 U.S.C. § 3552\(c\)](#), the Court orders the Defendant to participate in and complete both a psychological and a psychosexual evaluation. The psychological and psychosexual evaluations will provide the Court a current mental health diagnosis and treatment recommendations for the Defendant and will apprise the Court of any of the Defendant's mental health issues that should be addressed prior to disposition.

6. The evaluation of Mr. Swift shall also provide necessary information regarding:

- a. Defendant's mental status to determine the proper disposition of this case;
- b. Defendant's history and present symptoms;
- c. A full description of the psychiatric, psychological and medical tests that were employed and their results;
- d. The examiner's findings;
- e. The examiner's opinions as to diagnosis, prognosis; and
- f. Whether Defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings

against him or to assist properly in his defense.

7. The competency evaluation report shall be filed with the Court with copies provided to the counsel for Defendant and to the attorney for the Government. See [18 U.S.C. § 4247\(c\)](#). Upon receipt of the competency evaluation report, the Court will hold an evidentiary hearing pursuant to [18 U.S.C. §§ 4241\(c\)](#) and 4247(d).

8. After the completion of the evaluation of Defendant, he shall then be released to the custody of the U.S. Marshal for direct transport from the facility which the evaluation was completed back to the district of Nebraska.

Dated this 3rd day of April, 2024.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge